

REMARKS

Claims 25-29 and 31 are cancelled.

Claims 1-24, 30 and 32-37 are pending.

Claims 1-24, 30 and 32-37 are rejected.

The non-final office action dated Jan. 7, 2009 indicates that base claim 37 is rejected under 35 USC 102(b) as being anticipated by Lindgren U.S. Patent No. 6,097,835. The office action also indicates that base claim 1 is rejected under 35 USC 103 as being anticipated by Lindgren in view of Fraisse U.S. Patent No. 7,171,912. Base claims 9, 17 and 30 are also rejected under section 103.

These rejections have been rendered moot. All base claims have been cancelled, and replaced by new method claim 38 and new system claim 39. Support for the new base claims is provided in the specification at page 1, line 24 to page 2, line 7; page 4, lines 8-10; and page 4, line 35 to page 5, line 2. The method of new claim 38 and the system of new claim 39 allow transient information in a series of images to be observed for changes over time. The stationary geographical landmark does not change over time. It is used to align and correct the images so the transient information is temporally and radiometrically coherent.

The combination of Lindgren and Fraisse does not teach or suggest the method of claim 38 or the system of claim 39. Lindgren discloses a method of registering high spatial resolution imagery with lower resolution spatial imagery to synthesize higher spatial resolution imagery (col. 1, lines 61-64). Lindgren does not teach or suggest identifying a stationary geographical landmark that is common in all of the images, where the landmark has a known geographical location. Lindgren does not teach or suggest using the landmark to align and correct the images so that frame unit to frame unit data comparisons are geographically accurate and that transient information in the images is temporally and radiometrically coherent. Lindgren is not concerned with making transient information temporally coherent in a set of images.

Unlike Lindgren, Fraisse is concerned with transient information in a set of images. Fraisse discloses a method that includes taking a first image of vegetation for a field when the vegetation is at or near its biomass peak, and a second image when the field is bare, prior to planting (col. 5, lines 29-33) . However, Fraisse does not teach or suggest an approach for making that transient information temporally coherent in those two images.

The office action also cites Ogawa U.S. Patent No. 5,864,632. Specifically, the office action cites block 202 of Figure 2 and col. 6, lines 32-38. However, the cited figure and passage do not teach or suggest using a landmark in all images to make transient information temporally coherent in a series of images. Ogawa's landmark appears to be little more than a point of reference in a map.

Thus, the combined teachings of these cited documents do not produce a method having all of the features of claim 38 or a system having all of the features of claim 39. Therefore, base claims 38 and 39 should be allowed over the documents made of record.

Dependent claims 3-4, 7, 10-16, 19 and 32-26 have also been cancelled. Dependent claims 2, 5, 6 and 8 have been amended to depend from the new base claim 38. Dependent claims 18 and 20-24 have been amended to depend from the new base claim 39. The amended claims should also be allowed over the documents made of record.

The Examiner is encouraged to contact the undersigned to discuss any remaining issues prior to mailing another office action.

Respectfully submitted,

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